

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Claims 2, 23 and 24 have been amended to clarify the features of the claimed invention and to further distinguish the claimed invention from the references relied upon in the rejections discussed below. Further, claims 1, 19 and 22 have been cancelled. In addition, new claims 25-30 have been added.

II. 35 U.S.C. § 112, First Paragraph Rejection

Claims 2-5, 9-18, 23 and 24 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Specifically, claims 2, 23 and 24 were rejected for reciting “as a result of the information supply apparatus judging that the first section information cannot be generated at the level of performance of the home server apparatus indicated by the criterion information,” which is allegedly not described in the specification. This rejection is believed inapplicable to amended claims 2, 23 and 24 for the following reasons.

Claims 2, 23 and 24 have been amended to recite that the first section information is supplied from the information supply apparatus as a result of the information supply apparatus judging that “the level of performance of the home server apparatus indicated by the criterion information is lower than a level of performance in relation to generating the section information stored in a storage unit of the information supply apparatus,” which is supported by the

specification (see line 17 of page 17 through line 25 of page 18 of the substitute specification filed on July 15, 2008).

As a result, it is respectfully submitted that independent claims 2, 23 and 24 now recite subject matter described in the specification and now satisfy the requirements set forth by 35 U.S.C. § 112, first paragraph. Therefore, withdrawal of this rejection is respectfully requested.

III. 35 U.S.C. § 103(a) Rejection

Claims 1, 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Logan (U.S. 2003/0093790) and Phillips (U.S. 2006/0129627). This rejection is considered moot in view of the above-mentioned cancellation of claims 1, 19 and 22.

Further, the Applicants believe that the Logan and Phillips references may be relied upon when considering the patentability of amended independent claims 2, 23 and 24. Therefore, the Applicants provide the following comments regarding the distinctions between independent claims 2, 23 and 24 and the Logan and Phillips references.

Amended independent claim 2 recites a home server apparatus including a requesting unit that sends, to an information supply apparatus, criterion information that indicates a level of performance of the home server apparatus in relation to generating section information. Further, claim 2 recites that a receiving unit of the home server apparatus receives first section information, from the information supply apparatus, when the first section information is supplied from the information supply apparatus as a result of the information supply apparatus judging that the level of performance of the home server apparatus indicated by the criterion information sent by the requesting unit is lower than a level of performance in relation to

generating the section information stored in a storage unit of the information supply apparatus. Additionally, claim 2 recites that the home server apparatus includes a section information recording unit operable to record the first section information corresponding to the recorded content, when the first section information is supplied from the information supply apparatus.

Another aspect of claim 2 is that claim 2 recites that the home server apparatus includes a generating unit operable to generate second section information corresponding to the recorded content, the second section information being generated when the information supply apparatus judges that the level of performance of the home server apparatus indicated by the criterion information sent by the requesting unit is equal to or higher than the level of performance in relation to generating the section information stored in the storage unit, and when the first section information is not supplied from the information supply apparatus. Furthermore, claim 2 also recites that the section information recording unit is operable to record therein the second section information corresponding to the recorded content, when the first section information is not supplied from the information supply apparatus.

According to the structure required by claim 2, when the first section information and the second section information are used differently, the home server apparatus receives the first section information from the information supply apparatus a reduced number of times, while the home server apparatus always uses section information that is equal to or higher than the first section information in accuracy.

Logan and Phillips, or any combination thereof, fails to disclose or suggest the above-mentioned distinguishing features as recited in independent claim 2.

Rather, Logan teaches that metadata (e.g., markup data) that indicates content segments

is provided from a remote location based on preference data sent from a user location to the remote location (see paragraph [0107], as identified in the rejection). More specifically, Logan teaches that improved markups may be downloaded into a local location if the improved markups exist in storage at the remote location (see paragraph [0107]).

Regarding the above-mentioned rejection of claims 1, 19 and 22, the rejection states that Logan teaches that only improved markups are downloaded (i.e., if a markup is equal or lower in performance it is not improved and therefore not downloaded), and equates this feature of Logan with the claimed criterion information used to determine whether nor not the level of performance of the home server apparatus is lower than the level of performance in relation to generating the section information stored in the information supply apparatus, as recited in the rejected claims.

However, the Applicants submit that paragraph [0107] of Logan teaches that, in a system where users of a community can improve markup data and upload the improved markup data onto a server, improved markup data that has been uploaded by a user may be downloaded onto a local location of another user. As a result, Applicants submit that Logan fails to disclose or suggest a difference in performance between the uploaded improved markup data and the local location of the other user.

In other words, Logan teaches performing a download based on a judgment of whether nor not there is improved markup data, but fails to disclose or suggest that the receiving unit of the home server apparatus receives first section information, from the information supply apparatus, when the first section information is supplied from the information supply apparatus as a result of the information supply apparatus judging that the level of performance of the home

server apparatus indicated by the criterion information sent by the requesting unit is lower than a level of performance in relation to generating the section information stored in the storage unit of the information supply apparatus, and that the home server apparatus includes a section information recording unit that records the first section information corresponding to the recorded content, when the first section information is supplied from the information supply apparatus, as recited in claim 2.

Now, considering the Phillips reference, it is clear that Phillips merely teaches a multi-user system in which a server stores files shared by a plurality of users. Specifically, Phillips teaches that (i) file names and version numbers held by clients are transmitted to the server, (ii) the sever compares the received version numbers with version numbers of files recorded in the sever, and (iii) when the server has any data or information of a version that is new for a client, the server downloads the data or information of the new version onto the client (see paragraphs [0135], [0139] and [0140]).

In view of the above, it is apparent that Phillips teaches that clients transmit file names and version numbers to the server and the server compares stored version numbers with the recent version number received from the client, but fails to disclose or suggest judging that the level of performance of the home server apparatus indicated by the criterion information sent by the requesting unit is lower than a level of performance in relation to generating the section information stored in the storage unit of the information supply apparatus, as required by claim 2.

Moreover, regarding the combination of Logan and Phillips, the Applicants note that even if the download method of Phillips was to be incorporated into the technology of Logan, the

result would be a system in which a local storage device notifies a remote device of versions of markup data that are stored in the local storage device, and in which the remote device judges whether there is an improved markup, based on a difference between the version of the markup data that is stored on the remote device and the version of the markup data that is stored in the local storage device. In view of the above, it is evident that the combination of Logan and Phillips still fails to disclose or suggest (i) judging that the level of performance of the home server apparatus indicated by the criterion information sent by the requesting unit is lower than a level of performance in relation to generating the section information stored in the storage unit of the information supply apparatus, (ii) that the second section information is generated when the information supply apparatus judges that the level of performance of the home server apparatus indicated by the criterion information sent by the requesting unit is equal to or higher than the level of performance in relation to generating the section information stored in the storage unit of the information supply apparatus, and (iii) that the section information recording unit operable to record the first section information corresponding to the recorded content, when the first section information is supplied from the information supply apparatus, and records the second section information corresponding to the recorded content, when the first section information is not supplied from the information supply apparatus, as recited in claim 2.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 2 and claims 3-5 and 9-18 that depend therefrom would not have been obvious or result from any combination of Logan and Phillips.

Furthermore, there is no disclosure or suggestion in Logan and/or Phillips or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify

Logan and/or Phillips to obtain the invention of independent claim 2. Accordingly, it is respectfully submitted that independent claim 2 and claims 3-5 and 9-18 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 23 and 24 are directed to a circuit and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 2. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 23 and 24 are allowable over the combination of Logan and Phillips.

Further, the Applicants believe that the Logan and Phillips references may be relied upon when considering the patentability of new independent claim 25. Therefore, the Applicants provide the following comments regarding the distinctions between independent claim 25 and the Logan and Phillips references.

Claim 25 recites a home server apparatus including a generating unit operable to generate, with use of first characteristic amount data included in a recorded content, section information that indicates how contents are each divided into sections, and a requesting unit operable to request an information supply apparatus having a higher processing ability than the home server apparatus to supply section information of the recorded content that is generated using second characteristic amount data that is larger in an amount of characteristics than the first characteristic amount data.

This structure required by claim 25 enables a home server apparatus having a lower processing ability to use high-accuracy section information in association with a content.

Logan or Phillips, or any combination thereof, fails to disclose or suggest the above-

mentioned distinguishing limitations recited in claim 25.

Rather, as discussed above, Logan does not disclose or suggest that performance between the user location and the remote location is a factor. Furthermore, Applicants note that Logan does not disclose or suggest the characteristic amount data, as recited in claim 25.

Thus, in view of the above, it is clear that Logan fails to disclose or suggest the generating unit operable to generate, with use of first characteristic amount data included in a recorded content, section information that indicates how contents are each divided into sections, and the requesting unit operable to request an information supply apparatus having a higher processing ability than the home server apparatus to supply section information of the recorded content that is generated using second characteristic amount data that is larger in an amount of characteristics than the first characteristic amount data, as required by claim 25.

Moreover, as discussed above, Phillips also fails to teach that the performance of the server and the performance of the client are taken into consideration, and as a result, fails to disclose or suggest the generating unit operable to generate, with use of first characteristic amount data included in a recorded content, section information that indicates how contents are each divided into sections, and the requesting unit operable to request an information supply apparatus having a higher processing ability than the home server apparatus to supply section information of the recorded content that is generated using second characteristic amount data that is larger in an amount of characteristics than the first characteristic amount data, as required by claim 25.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 25 and claims 26-30 that depend therefrom would not have been obvious or result from any

combination of Logan and Phillips.

Furthermore, there is no disclosure or suggestion in Logan and/or Phillips or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Logan and/or Phillips to obtain the invention of independent claim 25. Accordingly, it is respectfully submitted that independent claim 25 and claims 26-30 that depend therefrom are clearly allowable over the prior art of record.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Yuko TSUSAKA et al.

/Andrew L. Dunlap/

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Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/led
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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